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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/725,080	11/29/2000	Steven G. Himes	PM 268496	7496

909 7590 11/08/2002

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EXAMINER

DIXON, THOMAS A

ART UNIT	PAPER NUMBER
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3629

DATE MAILED: 11/08/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/725,080

Applicant(s)

HIMES, STEVEN G.

Examiner

Thomas A. Dixon

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 10 May 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-135 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1, 31, 61 is/are allowed.
- 6) ☒ Claim(s) 2-14, 16-29, 32-44, 46-59, 62-74, 76-89, 91-100, 102-115, 117-130 and 132-135 is/are rejected.
- 7) ☒ Claim(s) 15, 30, 45, 60, 75, 90, 101, 116 and 131 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4, 9.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. IDS # 4, submitted 1/29/01 and #9, submitted 4/15/2002 have been considered.

### ***Specification***

2. The disclosure is objected to because of the following informalities:  
page 6, line 15, the acronym "ERA" should be spelled out the first time it occurs.  
Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 17, 47, 77, 105, 120, 135 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Specifically, from lines 30-36 of the claim, it is unclear what comprises the data entry station or if two data entry stations are claimed.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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4. Claims 2-13, 16, 18-21, 23-28, 32-43, 46, 48-51, 53-58, 62-73, 76, 78-81, 83-88, 91-99, 102-104, 106-114, 117-119, 121-129, 132-134 are rejected under 35

U.S.C. 102(b) as being anticipated by Yacoob (6,170,742).

As per Claim 2, 32, 62.

Yacoob ('742) discloses:

- a) receiving means to receive input data from a user, see figure 4 (3003, 3004);
- b) entering means to enter supplemental data that are different from the input data, see (3000);
- c) transmitting means to transmit the input data and the supplemental data to a data management system, see (3005);
- d) generating means to generate response data from the data management system, based in part on the input data and the supplemental data, see column 20, lines 20-55;
- e) displaying means to display the input data, the supplemental data and the response data, see (3000);
- f) updating means to update the input data based in part on the supplemental data and the response data, see (3000) and column 21, lines 15-26;
- g) storing means to store the updated input data, see (3002, 3004, 3005).

As per Claim 3, 33, 63.

Yacoob ('742) further discloses the reader is capable of reading and writing, see figure 4 (3003).

As per Claim 4, 34, 64.

Yacoob ('742) further discloses the transmitting means is wire or wireless, see figure 4 (3006).

As per Claim 5, 35, 65.

Yacoob ('742) further discloses the input data is maintenance schedule data, see column 20, lines 48-55.

As per Claim 6, 36, 66.

Yacoob ('742) further discloses the supplemental data is contact information, see figure 1, (1120).

As per Claim 7, 37, 67.

Yacoob ('742) further discloses the response data comprises recommended services, see column 48-55.

As per Claim 8, 38, 68.

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Yacoob ('742) further discloses the data management system comprises a vehicle dealership management system, see abstract and column 2, lines 53-61.

As per Claim 9, 39, 69.

Yacoob ('742) further discloses the input data comprises a personal identification number, see figure 1 (1113).

As per Claim 10, 40, 70.

Yacoob ('742) further discloses the data input comprise administrator data that permit functions to be performed that are reserved for a system administrator, see figure 1 (1114).

As per Claim 11, 41, 71.

Yacoob ('742) further discloses checking means to check access authorization of the input data from the user, see figure 5 (2001).

As per Claim 12, 42, 72.

Yacoob ('742) further discloses the storing means is a portable storage device comprising a smart card, see figure 4 (3004).

As per Claim 13, 43, 73.

Yacoob ('742) further discloses the storing means is a dealer database system, see figure 4 (3002, 3005) and column 2, lines 53-62.

As per Claim 16, 46, 66, 76.

Yacoob ('742) further discloses a printing means to print the input data, see figure 13 (789), column 14, lines 38-42, and column 20, line 65 – column 21, line 26.

As per Claim 18, 48, 68, 78.

Yacoob ('742) discloses:

- a) a smart card system (SCS), see figure 4;
- b) a vehicle dealership management system (DMS), see abstract and column 2, lines 48-61;
- c) a communication link between the SMS and DMS, see figure 4 (3006); supplemental data and the response data, see figure 13 (789).

As per Claim 19, 49, 79.

Yacoob ('742) further discloses:

- a) the DMS and SCS are adapted to access data stored on the smart card and store accessed data in the DMS and print and display the accessed data, see column 6, lines 31-59 and column 20, lines 20-55;
- b) the DMS and SCS are adapted to access data stored in the DMS and store the accessed data on the SCS and print and display the accessed data, see column 20, lines 20-55;

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c) the DMS and SCS are adapted to generate data in a user session and store the generated data in the DMS and SCS and to print and display the generated data, see column 20, lines 48-55; and

d) the SCS is adapted to receive input of supplemental data and store the inputted data in the DMS and SCS and to print and display the inputted data, see column 14, lines 38-42 and column 20, line 65 – column 21, line 26;

As per Claim 20, 50, 80, 91, 106, 121.

Yacoob ('742) further discloses:

1. a plurality of smart cards, see figure 4 (3004);
2. a smart card reader, see (3003);
3. a data entry station, communicating with the smart card reader, see (3000);
4. a printer, communicating with the data entry station, see figure 13 (789); the communication link is wire and wireless communication, see figure 4 (3006).

As per Claim 21, 51, 81, 92, 93, 107, 108, 122, 123.

Yacoob ('742) further discloses the data entry station is a keyboard with a mouse and a touch screen, see figure 13 (782) and column 14, lines 54-59.

As per Claim 23, 53, 83, 94, 109, 124.

Yacoob ('742) further discloses the inputted data comprising customer information, see figure 1 (1140), vehicle information, (1000), maintenance schedule information, see (1030), coupon information, see column 3, lines 1-2.

As per Claim 24, 54, 84, 95, 110, 125.

Yacoob ('742) further discloses contact information, see figure 1 (1120).

As per Claim 25, 55, 85, 96, 111, 126.

Yacoob ('742) further discloses savings, see column 3, lines 1-2.

As per Claim 26, 56, 86, 97, 112, 127.

Yacoob ('742) further discloses a personal identification number, see figure 1 (1113).

As per Claim 27, 57, 87, 98, 113, 128.

Yacoob ('742) further discloses administrator data that permit functions to be performed that are reserved for a system administrator, see figure 1 (1114).

As per Claim 28, 58, 88, 99, 114, 129.

Yacoob ('742) further discloses a checking means to check for authorization of data input from a user, see (785) and figure 5 (2001).

As per Claim 102, 117, 132.

Yacoob ('742) further discloses storing and accessing information regarding vehicle dealership activities, see figure 4 (3004) and column 20, lines 20-55.

As per Claim 103, 118, 133.

Yacoob ('742) further discloses generating, see column 20, lines 48-55, storing in a portable storage device comprising a smart card, see figure 4 (3004), and printing, see column 14, lines 38-42 and column 20, line 65 – column 21, line 26.

As per Claim 104, 119, 134.

Yacoob ('742) further discloses receiving and storing information to the SCS and to print and display the information, see column 20, line 20 – column 21, line 26.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5      Claims 14, 17, 22, 29, 44, 47, 52, 59, 74, 77, 82, 89, 100, 105, 115, 130, 135 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yacoob (6,170,742) in view of Filepp et al (5,347,632) or Collins-Rector et al (6,188,398).

As per Claim 14, 29, 44, 59, 74, 89, 100, 115, 130.

Yacoob ('742) further discloses displaying means, see figure 4 (3000).

Yacoob ('742) does not specifically disclose displaying pop-up video clips.

Filepp et al ('632), see figure 3a (280) and Collins-Rector et al ('398) figure 2 (31, 33) teach displaying ads or video in order to create an enhanced advertisement experience.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to display pop-up video clips as taught by Filepp et al ('632) or Collins-Rector et al ('398) in the invention of Yacoob ('742) to create an enhanced advertisement experience.

As per Claim 17, 47, 77, 105, 135.

Yacoob ('742) discloses:

a) a smart card system (SCS), see figure 4;

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b) a vehicle dealership management system (DMS), see abstract and column 2, lines 48-61;

c) a communication link between the SMS and DMS, see figure 4 (3006);  
wherein

1. the DMS and SCS are adapted to access data stored on the smart card and store accessed data in the DMS and print and display the accessed data, see column 6, lines 31-59 and column 20, lines 20-55;

2. the DMS and SCS are adapted to access data stored in the DMS and store the accessed data on the SCS and print and display the accessed data, see column 20, lines 20-55;

3. the DMS and SCS are adapted to generate data in a user session and store the generated data in the DMS and SCS and to print and display the generated data, see column 20, lines 48-55; and

4. the SCS is adapted to receive input of supplemental data and store the inputted data in the DMS and SCS and to print and display the inputted data, see column 14, lines 38-42 and column 20, line 65 – column 21, line 26;

and further the SCS comprises

1. a plurality of smart cards, see figure 4 (3004);

2. a smart card reader, see (3003);

3. a data entry station, communicating with the smart card reader, see (3000);

4. a printer, communicating with the data entry station, see figure 13 (789);

5. checking means to check access authorization, see (785) and figure 5 (2001);

6. displaying means, see (790);

and wherein the communication link is wire and wireless communication, see figure 4 (3006)

and wherein the data entry station is a keyboard with a mouse and a touch screen, see figure 13 (782) and column 14, lines 54-59;

and further the SCS receives:

a. inputted data comprising customer information, see figure 1 (1140), vehicle information, (1000), maintenance schedule information, see (1030), coupon information, see column 3, lines 1-2, personal identification number, see (1113) and administrator data that permit functions to be performed that are reserved for a system administrator, see (1114);

b. supplemental data comprising contact information, see figure 1 (1120);

c. response data comprising savings amount, see column 3, lines 1-11.

Yacoob ('742) does not specifically disclose displaying pop-up video clips.

Filepp et al ('632), see figure 3a (280) and Collins-Rector et al ('398) figure 2 (31, 33) teach displaying ads or video in order to create an enhanced advertisement experience.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to display pop-up video clips as taught by Filepp et al



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('632) or Collins-Rector et al ('398) in the invention of Yacoob ('742) to create an enhanced advertisement experience.

As per Claim 22, 52, 82.

Yacoob ('742) further discloses the data entry station is a keyboard with a mouse and a touch screen, see figure 13 (782) and column 14, lines 54-59;

Yacoob ('742) discloses a communications network, but does not specifically disclose the Internet.

Collins-Rector et al ('398) teaches the communications link is the Internet, see column 1, lines 11-23, as a normal progression of technology.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to use the Internet as the communications link as taught by Collins-Rector et al ('398).

### ***Allowable Subject Matter***

6. Claims 15, 30, 45, 60, 75, 90, 101, 116, 131 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. Claim 120 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

8. Claims 1, 31, 61 are allowable.

The prior art of record, Yacoob ('742) in view of Collins-Rector et al ('398) or Filepp et al ('632) does not specifically disclose selecting means to select a language from a plurality of choices.

### ***Prior Art Made of Record***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

JP 05257941 to Suzuki et al is the closest foreign art, which discloses relating a driver to vehicle maintenance using an IC card.

Automotive News is the closest non-patent literature which discloses an IC card associated with automotive dealers and maintenance records, but does not disclose sufficient detail.

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**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas A. Dixon whose telephone number is (703) 305-4645. The examiner can normally be reached on Monday - Thursday 6:30 - 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (703) 308-2702. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and (703) 305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

A handwritten signature in black ink, appearing to read "Thomas A. Dixon", with a stylized flourish at the end.

Thomas A. Dixon  
Examiner  
Art Unit 3629

October 22, 2002